



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET—SUITE 500
DENVER, COLORADO 80202-2405



NPDES Fact Sheet
Presented to
Rep. Sam Williams and the
Ad Hoc Committee on Rocky Flats
September 30, 1987

- o The State of Colorado has been authorized for National Pollution Discharge Elimination System (NPDES) permitting under the Clean Water Act since March 27, 1975.
- o The State of Colorado has not applied for NPDES permitting authority for Federal facilities.
- o Within EPA Region VIII, Wyoming, Montana and Utah have obtained NPDES permitting authority for all facilities, including Federal facilities, but excluding facilities on Indian reservations. Colorado and North Dakota have NPDES permitting authority excluding Federal facilities and South Dakota has not applied for NPDES authorization under the Clean Water Act.
- o The Clean Water Act regulations exempt source, byproduct and special nuclear materials from regulation through citation of the 1954 Atomic Energy Act as amended, 42 U.S.C. 2011 et seq.
- o The U.S. Supreme Court ruled that the Clean Water Act imparts no authority over nuclear materials through Train vs. COPIRG, 426 U.S. 1, 1976.
- o For Rocky Flats, the EPA issued a NPDES permit to the facility because the State of Colorado had not yet applied for authorization to regulate Federal facilities. The EPA issued permit had to meet the Colorado promulgated receiving water quality standards. The permit was renewed in 1984. The Statement of Basis for the renewed permit is attached.

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